



11/2 3627

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bruce A. Fogelson ) Group Art Unit: 3627  
Serial No: 09/768,476 ) Examiner: Steven B. McAllister  
Filed: 01/24/2001 ) Attorney Docket No: 6040-80679  
For: BUILDERS ON-LINE ASSISTANT )

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-0001

Sir:

This is in response to the Notice of Non-Compliant Amendment mailed for this application on January 13, 2006. A copy of the Notice is enclosed along with a corrected version of the Amendment initially filed (with an Request for Continued Examination) on October 24, 2005 as required by 37 CFR 1.121(c).

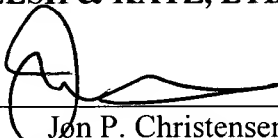
Applicant believes that no additional fee is due. The Commissioner is hereby authorized to charge any unpaid amount, or credit any overpayment, to Deposit Account No. 23-0920. Further, if an extension of time is required, the Commissioner is respectfully requested to consider this paper to be a petition for such an extension and the Commissioner is authorized to charge the petition fee to the above noted deposit account. A duplicate copy of this sheet is enclosed.

Dated: January 19, 2006

Respectfully submitted,

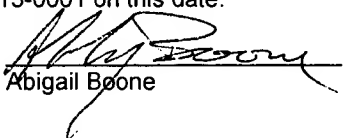
**WELSH & KATZ, LTD.**

By:

  
Jon P. Christensen  
Registration No. 34,137

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents; P.O. Box 1450, Alexandria, VA 22313-0001 on this date:

01/19/2006  
Date

  
Abigail Boone

JAN 23 2006  
PATENT OFFICE

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

09/768,476

Examiner

Steven B. McAllister

Applicant(s)

FOGELSON, BRUCE A.

Art Unit

3627

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**

The amendment document filed on 24 October 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month or thirty (30) days, whichever is longer**, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

STEVE B. MCALLISTER  
PRIMARY EXAMINER

*St Bm Allt*